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**AMENDMENTS TO THE CLAIMS:**

This listing of the claims will replace all prior versions, and listings, of the claims in this application:

Please cancel claim 14 without prejudice.

**Listing of Claims:**

1. (Currently Amended) A method for a system comprising ~~between~~ a communications device and a communications network, wherein ~~which~~ the communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network, and wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the method comprising:

determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

2. (Original) A method according to claim 1, wherein in a situation in which the direct cell access can not be provided the method comprises:

indicating to the communications device that the alternative cell access mechanism should be used.

3. (Original) A method according to claim 2, wherein the alternative cell access mechanism comprises using a separate access channel for uplink access.

4. (Previously Presented) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate.

5. (Currently Amended) A method according to claim 1-4; wherein a radio interface between the mobile communications device and the communications network ~~base station~~ is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic

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channel operating on a data link layer (Layer 2) of the protocol stack.

6. (Original) A method according to claim 5, wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack.

7. (Original) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a broadcast message to a set of communications devices including the communications device of claim 1.

8. (Original) A method according to claim 7, wherein said broadcast message contains a parameter value further restricting the set of communications devices.

9. (Original) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a multicast message to a limited set of communications devices including the communications device of claim 1.

10. (Original) A method according to claim 1, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a point-to-point message to the communications device.

11. (Previously Presented) A method according to claim 7, wherein said message conveys to the communications device a parameter value indicating whether the direct cell access mechanism is enabled.

12. (Currently Amended) A method according to claim 1, wherein the communications network comprises a base station serving a cell of a mobile communications system, and wherein the method comprises:

performing traffic and/or radio measurements by the base station; and determining by the base station whether the direct cell access mechanism can at a given time be provided on the basis of said measurements.

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13. (Previously Presented) A communications device configured for operation with a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the communications device comprising:

means (RF, MCU, 515, SW) for receiving an indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

14. (Canceled).

15. (Previously Presented) A base station of a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for a communications device for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the base station comprising:

means for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

16. (Previously Presented) A system comprising a communications device and a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the communications network comprising:

means for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided; and the communications device comprising:

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means (RF, MCU, 515, SW) for receiving said indication.

17. (New) A communications device configured for operation with a communications network, which communications network generally provides at least a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the communications device comprising:

a receiver for receiving an indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided, the communications device being configured to use said direct cell access mechanism in response to receiving said indication.

18. (New) A communications device according to claim 17, wherein the communications device is a mobile hand-held device of a cellular communications network.

19. (New) A communications device according to claim 17, wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate.

20. (New) A communications device according to claim 17, wherein a radio interface between the mobile communications device and the communications network is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack.

21. (New) A communications device according to claim 20, wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack.

22. (New) A communications device according to claim 17, wherein the communications device is configured to receive a broadcast message comprising said indication.

23. (New) A communications device according to claim 17, wherein the communications device

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is configured to receive a multicast message comprising said indication.

24. (New) A communications device according to claim 17, wherein the communications device is configured to receive a point-to-point message comprising said indication.

25. (New) A communications device according to claim 17, wherein the communications device is configured to receive a parameter value indicating whether the direct cell access mechanism is enabled.

26. (New) An apparatus, wherein

the apparatus is configured to provide generally at least a direct cell access mechanism and an alternative cell access mechanism for a communications device for uplink access to a communications network, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the apparatus comprising:

a determination module and a transmitter for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

27. (New) An apparatus according to claim 26, wherein the apparatus is configured to operate as a base station of the communications network.

28. (New) An apparatus according to claim 26, wherein in a situation in which the direct cell access can not be provided, the apparatus is configured to indicate to the communications device that the alternative cell access mechanism should be used.

29. (New) An apparatus according to claim 26, wherein the alternative cell access mechanism comprises using a separate access channel for uplink access.

30. (New) An apparatus according to claim 26, wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate.

31. (New) An apparatus according to claim 26, wherein a radio interface between the apparatus

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and the communications device is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack.

32. (New) An apparatus according to claim 31, wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack.

33. (New) An apparatus according to claim 26, wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message, multicast message or point-to-point message(s).

34. (New) An apparatus according to claim 26, wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message, and wherein said broadcast message contains a parameter value restricting the set of communications devices to which the message is to be transmitted.

35. (New) An apparatus according to claim 26, wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a message comprising a parameter value indicating whether the direct cell access mechanism is enabled.

36. (New) An apparatus according to claim 26, wherein the apparatus is configured to operate as a base station of the communications network and wherein the apparatus is configured to perform traffic and/or radio measurements and to determine whether the direct cell access mechanism can at a given time be provided on the basis of said measurements.

37. (New) A method according to claim 1, wherein, in the direct cell access mechanism, the communications network broadcasts that a direct uplink access to a traffic channel is permitted.

38. (New) A method according to claim 37, wherein, in the alternative cell access mechanism, a two step process occurs in which the communications device first requests access to the communications network.